

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NEW YUEN FAT GARMENTS FACTORY LIMITED, Case No.: 07 CIV 8304 (JFK)(FM)

Plaintiff,

-against-

SCHEDULING ORDER

AUGUST SILK, INC., and DIRECT APPAREL
SOURCING, INC.,

Defendants.
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FRANK MAAS, UNITED STATES MAGISTRATE JUDGE.

1. The Court held a conference in this case on March 7, 2008. Plaintiff, New Yuen Fat Garments Factory, Limited ("New Yuen Fat") was represented by Peter E. Sverd, Esq., a member of the law firm of Yuen Roccanova Seltzer & Sverd LLP, whose offices are located at 132 Nassau Street, Suite 1300, New York, New York 10038. Tel. 212-608-1178. Fax. 212-608-2913. The defendant, August Silk, Inc., ("August Silk") was represented by Harlan M. Lazarus, Esq., member of the law firm of Lazarus & Lazarus, P.C., whose office is located at 240 Madison Avenue, New York, New York 10016. Tel. 212-889-7400. Fax. 212-684-0314. The defendant Direct Apparel Sourcing, Inc., has not appeared in this action.
2. This is a breach of contract action and this Court's jurisdiction is based upon diversity of the parties domiciles, subject to defendant's jurisdictional defense. According to plaintiff, the issue in this case is whether the defendant August Silk impliedly, or expressly, contracted with New Yuen Fat for the manufacture and delivery of clothing apparel. New Yuen Fat seeks damages from August Silk in the amount of \$354,711.60, for apparel manufactured and delivered to August Silk. It is August Silk's position that no such contracts were made, and in the alternative, that if it August Silk is responsible to New Yuen Fat for breach of contract, then New Yuen Fat is responsible for damages that it caused to August by delivering non-conforming or otherwise defective apparel.
3. On or before June 6, 2008, all fact discovery shall be completed.

4. A telephone conference shall be held on June 9, 2008, at 10 a.m. The plaintiff's counsel is directed to initiate the call by dialing Chambers at (212) 805-6727.

SO ORDERED.

Dated: New York, New York
March 10, 2008



FRANK MAAS
United States Magistrate Judge

Copies to:

Honorable John F. Keenan
United States District Judge

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